

# ReedSmith

Cheryl L. Gastineau, Patent Agent  
Direct Phone: 412.288.4152  
Email: cgastineau@reedsmith.com

Reed Smith LLP  
435 Sixth Avenue  
Pittsburgh, PA 15219-1886  
412.288.3131  
Fax 412.288.3063

August 9, 2004

**RECEIVED**

AUG 12 2004

Commissioner for Patents  
**MAIL STOP PGPUB**  
P.O. Box 1450  
Alexandria, VA 22313-1450

Technology Center 2600

Re: Applicants: LOWE et al.  
Title: COMBINED ADVERTISING AND  
ENTERTAINMENT SYSTEM NETWORK  
Serial No.: 09/965,775  
Filed: September 27, 2001  
Art Unit: 2681  
Examiner: (not yet assigned)  
Docket No: 01-313-US-D

Dear Sir:

Enclosed is the following for filing in connection with the above-referenced application:

1. A Request to Rescind Inadvertent Request for Non-Publication.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being

**MAILED**

☐ Deposited with the United States Postal Service on , with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, MAIL STOP, P.O. BOX 1450, Alexandria, VA 22313-1450.

**FACSIMILE**

☒ transmitted by facsimile on August 9, 2004 to the U.S. Patent and Trademark Office, telefax number 703-305-8568.

**RECEIVED**  
**USPTO-PG PUBS**  
**AUG 9 - 2004**

Jody L. Burner

(Signature of person mailing paper or fee)

(Signature of person mailing paper or fee)

LONDON • NEW YORK • LOS ANGELES • SAN FRANCISCO • WASHINGTON, D.C. • PHILADELPHIA • PITTSBURGH • OAKLAND • PRINCETON  
FALLS CHURCH • WILMINGTON • NEWARK • MIDLANDS, U.K. • CENTURY CITY • RICHMOND • HARRISBURG • LEESBURG • WESTLAKE VILLAGE

reedsmith.com

**MAIL STOP PG PUB**

August 9, 2004

Page 2


**ReedSmith**

The Director is authorized to charge any payment due in connection with this submission, or to credit any overpayment, to Deposit Account No. 18-0582. A duplicate copy of this authorization is enclosed.

Very truly yours,

REED SMITH LLP

By



Cheryl L. Gastineau

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LOWE et al.

Serial No.: 09/965,775

Filed: September 27, 2001

Tech. Center: 2681

Examiner: (not yet assigned)

Atty. Docket No.: 01-313-US-D

COMBINED ADVERTISING AND  
ENTERTAINMENT SYSTEM  
NETWORK

RECEIVED

AUG 1 2 2004

Technology Center 2600

VIA TELEFAX 703-305-8568Commissioner for Patents  
MAIL STOP PGPUB  
P.O. Box 1450  
Alexandria, VA 22313-1450**REQUEST TO RESCIND  
INADVERTENT REQUEST FOR NON-PUBLICATION**

Dear Sir:

Through inadvertence, a request that the above-referenced application not be published under 35 U.S.C. 122(b) (non-publication request) was included with the divisional application filed on September 27, 2001. That request was made in error. Accordingly, we respectfully request that the non-publication request be rescinded immediately and that the application proceed to publication as soon as possible in accordance with 35 U.S.C. 122(b).

**Background**

The above-referenced application claims priority to parent U.S. application 09/161,892 (now U.S. Patent No. 6,298,218). The parent application, which was not

**PROCESSED BY  
PG PUB DIVISION**

AUG 1 0 2004

**MAIL STOP PGPUB****Docket No.: 01-313-US-D****Serial No.: 09/965,775**

subject to pre-grant publication, issued on October 2, 2001. In addition, an International application (Serial No. PCT/US99/22252) based on the parent application was timely filed on September 24, 1999. It was published on April 6, 2000, as International Publication No. 00/19620. All of this occurred while Applicant was represented by our predecessor, Fulbright & Jaworski, LLP.

On June 1, 2001, Applicant transferred multiple files (including parent application U.S. Serial No. 09/161,892) and the responsibility for the pending applications to the undersigned's firm. Under that new responsibility, we filed this pending divisional application in the U.S. on September 27, 2001, prior to the issuance of the parent application.

During a recent review of the file, the undersigned discovered that a non-publication request had inadvertently (and incorrectly) been filed with the divisional application. This was incorrect since the International application based on the parent application was filed prior to the filing of this divisional application. The error occurred through inadvertence and without improper intent, likely resulting from our unfamiliarity with, and incorporation of, the original files from Applicant's previous lawyer.

Accordingly, Applicant hereby requests to rescind the inadvertent non-publication request. We believe that there is no fee to process this request. If, however, a fee is due, authorization has been given in the accompanying transmittal letter for charging the undersigned's deposit account.

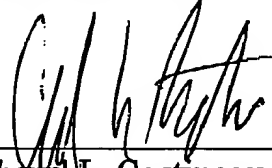
We also believe that a petition to revive an abandoned application under 37 CFR 1.137(f) is not required because the International application was filed prior to the incorrect certification. Reference is made to the Questions & Answers section of the AIPA Home Page on the U.S. Patent and Trademark Office website,

**MAIL STOP PGPUB****Docket No.: 01-313-US-D****Serial No.: 09/965,775**

<http://www.uspto.gov/web/offices/dcom/olia/aipa/infoexch.htm>, Question/Answer  
CQ6.

We appreciate your kind attention to this matter.

Respectfully submitted,



Dated: August 9, 2004

---

Cheryl L. Gastineau  
Reg. No. 39,469  
REED SMITH LLP  
P.O. Box 488  
Pittsburgh, PA 15230-0488  
(412) 288-4152  
Agent for Applicants



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/965,775	09/27/2001	Danny D. Lowe	01-313-US-D

CONFIRMATION NO. 3431

Cheryl L. Gastineau  
REED SMITH LLP  
P.O. BOX 488  
PITTSBURGH, PA 15230

RECEIVED



\*OC000000013496529\*

AUG 1 2 2004

Technology Center 2600

Date Mailed: 08/10/2004

### Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 11/18/2004.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"<sup>1</sup> then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (703) 305-9282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail [pgpub@uspto.gov](mailto:pgpub@uspto.gov).

<sup>1</sup> Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".